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REMARKS

These remarks are in response to the non-final Office Action mailed March 25, 2005, in which claims 1-20 are pending. Claims 1-20 stand rejected.

Claims 5, 9 and 19 have been amended to clarify the invention claimed. Specifically, each of the claims was amended to clarify that the claims are directed to embodiments having more than one valve. None of the amendments substantively changed the scope of the claims, and no new matter has been entered.

1. Claims 5-6, 9, and 19 have been rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

As noted above, claims 5, 9 and 19 have been amended to clarify that each of the amended claims is directed to an embodiment of the present invention having more than one valve. Claim 6, which depends from claim 5, was left un-amended, because it is now clear due to the amendments made to claim 5. Based on the foregoing, it is requested that the Examiner favorably reconsider the rejections of claims 5-6, 9, and 19.

2. Claims 1-2, 7, 10-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,168,628 to Mock et al. (hereinafter "the Mock reference")

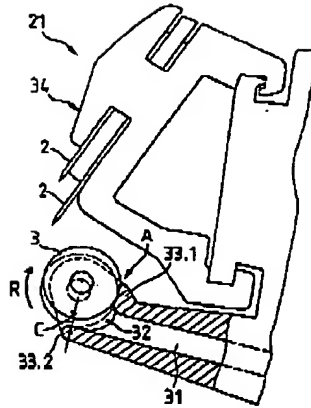
In rejecting the above-listed claims, the Examiner simply noted that "[t]he plates and valves are shown in FIGS. 11-18." See Office Action of 3/25/05, page 2. The Applicant respectfully disagrees. Independent claims 1 and 14 are reproduced below (with *emphasis* added), for convenience:

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1. (Original) A shaving apparatus, comprising:
 - a razor cartridge having one or more blades, each having a cutting edge;
 - a shaving aid dispenser having *one or more valves disposed within a contact panel, which contact panel is disposed adjacent the cutting edges of the one or more razor blades*, wherein each of the valves is selectively operable between an open position and a closed position; and
 - a reservoir for containing a non-solid shaving aid material, wherein the reservoir is in fluid communication with the one or more valves.
14. A shaving apparatus, comprising:
 - a razor cartridge having one or more blades, each having a cutting edge;
 - a shaving aid dispenser having *one or more valves disposed within a contact panel, wherein each of the valves is selectively operable from a closed position to an open position by applying a normal force to the contact panel that is sufficient to operate the razor cartridge*; and
 - a reservoir for containing a non-solid shaving aid material, wherein the reservoir is in fluid communication with the one or more valves.

The Mock reference discloses a shaving apparatus that distributes a non-solid shaving aid on the skin just prior to shaving. The shaving apparatus comprises an applicator part, a feed part and a blade part, the blade part and the applicator part together forming the razor head (1) while the feed part forms the razor handle (4). The preparation is applied by means of a roll (5). During shaving, the roll (5) rotates, which causes the non-solid shaving aid to be applied to the skin. The feed device comprises a reservoir (6) and a miniature pump, which is arranged in such a way that it can easily be operated during application by the fingers guiding the razor and consequently during shaving preparation is fed into the applicator. The blade part comprises at least one blade functionally cooperating with the applicator part. An exemplary figure (FIG. 3b of the Mock reference) is provided below:

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The applicant respectfully disagrees with the Examiner's rejection because the Mock reference does not disclose each and every element of either of claims 1 or 14. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

As noted above, claims 1 and 14 the present invention discloses a valve that is within a contact surface. In addition, claim 1 also recites that the contact surface is adjacent the blade(s) and claim 14 recites that each of the valves is opened by applying a force normal to the contact panel. As discussed below, the Mock reference fails to disclose at least each of the above-noted claim recitations. [Note: Although it is unclear to what the Examiner is referring when indicating that the Mock reference discloses a contact panel, it will be assumed that he is referring to the element identified as lip (33.2) since the lip (33.2) is the only element of the Mock device that seals around the roll (5) and comes into contact with the surface being shaved during normal shaving.]

By examining figures 11-18 of the Mock patent, it is evident that the roll (5) is not within a contact panel. Rather, the roll (5) is externally mounted on and covers the channel (C) defined by the lips (33.1 and 33.2). Therefore, when a force that occurs

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during shaving displaces the roll (5), it pivots upward and away from lip 33.2, to a location above the contact panel. The movement of the roll (5) opens the channel (C) and allows shaving aid to escape from the reservoir (6). Therefore, the Mock reference fails to disclose at least a valve located within a contact surface.

Figures 11-18 of the Mock patent also indicate that the contact panel is not adjacent the one or more blades, as is also recited by claim 1 of the present application. As shown, the contact panel (which, as stated above, can only be assumed to be lip 33.2), is located such that the roll (5) is in between the lip 33.2 and the blade(s). Therefore, contrary to the Examiner's assertion, the Mock patent does not disclose a contact panel that is adjacent the one or more blades.

In addition, claim 14 recites that each of the valves is selectively operable from a closed position to an open position by applying a normal force to the contact panel. This is simply not the case with respect to the device disclosed in the Mock patent. Rather, the force required to open the valve of the Mock patent is one that is directed "off-center" to the roll (5). As shown in FIG. 3b, during operation the roll (5) is rolled from a first "rest" position where it covers the accessway to the reservoir to an "open" position where shaving aid is allowed to escape. Clearly, the force required to move the roll from the "rest" position to the "open" position is not a force normal to the contact panel, but rather a force that is substantially tangential to the outer curved surface of the roll. The rolling of the "roll" is indicated by the curved arrow labeled "R" in FIG. 3b. Therefore, the Mock reference also fails to disclose a valve that is operable when a force normal to the contact panel is applied.

Based on at least the reasons given above, the Mock patent does not disclose each and every element of claims 1 and 14 and, accordingly, there can be no anticipation. Favorable reconsideration is respectfully requested.

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Claims 2, 7, 10-13 and 15-17, and 20 depend from claims 1 and 14, respectively. Therefore, these claims are patentable over the cited reference for at least the same reasons noted above, as well as by virtue of the additional claim recitations included therein. Favorable reconsideration of these claims is also requested.

3. Claims 3-4, 8, and 18 are rejected under 35 U.S.C. 103(a) as being obvious in light of the Mock reference

In rejecting the above-listed claims, the Examiner stated "[t]he various claimed valve shapes appear to be equivalent and the choice of same would be an obvious matter to be determined by an artisan. Also the type of material for the support such as elastomer which is old in the art would be obvious." See Office Action of 3/25/05, page 2.

Claims 3-4, and 8, and 18 all depend from independent claims 1 and 14 (directly or indirectly), and therefore include all of the underlying claims, as well. Accordingly, the applicant respectfully disagrees with the Examiner's rejection because the Mock patent fails to teach or suggest each and every recitation of the present invention. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

As discussed above, the Mock patent does not teach or suggest each and every recitation of independent claims 1 and 14. Specifically, the Mock reference fails to teach or suggest a valve that is located within a contact panel (as recited in claims 1 and 14), a contact panel that is adjacent the blade(s) (as recited in claim 1), or a valve that is operable when a force normal to the contact panel is applied thereon (as recited in claim 14). Therefore, since the Examiner has used the identical reference to reject claims that depend from claims 1 and 14 without providing additional art to make up for the noted deficiencies, the present rejection is also improper for at least the same reasons. "If an

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independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." See 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Favorable reconsideration with respect to the present rejection of claims 3-4, 8, and 18 is requested.

4. Claims 5-6, 9, and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by the Mock reference or, in the alternative, under 35 U.S.C. §103(a) as obvious in light of the Mock reference

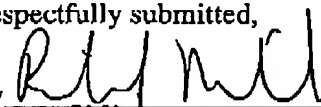
For the same reasons stated above in sections 2 and 3 of the present response, the Mock reference does not anticipate, nor make obvious claims 5-6, and 9, and 19 (which depend, directly or indirectly, from independent claims 1 and 14, respectively). Favorable reconsideration of these claims is respectfully requested.

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the rejections be withdrawn and the present application be passed onto allowance. Please feel free to contact the undersigned with any questions at the phone number provided below.

Although it is believed that no fees are due with the filing of the present response and amendment, please charge any deficiencies to Deposit Account No. 503342.

Respectfully submitted,

By



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